

LAW OFFICES OF

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Karla S. Jackson  
Christopher L. Green  
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April 24, 2006

**VIA FACSIMILE: (210) 270-7205**

\* Board Certified Labor and Employment Law  
Texas Board of Legal Specialization

Cynthia M. Benedict  
Fulbright & Jaworski  
300 Convent Street, Suite 2200  
San Antonio, Texas 78205-3792

**Re: *Lauren Browning vs. Southwest Research Institute*  
Civil Action No. SA-05-CA-0245-XR**

Dear Ms. Benedict:

I am writing to request an extension with respect to the expert report of Plaintiff's expert Dr. Mary Gray.

As ordered by the Court on March 6, 2006, Plaintiff's deadline to submit experts' reports is April 28, 2006. Since that date, Plaintiff filed a motion to compel, which is still pending before the court. At issue in the motion, among other items, are personnel files and compensation information of individuals Plaintiff contends are her comparators. Dr. Gray needs to review these documents in order to complete her report. In order to allow the Court an opportunity to rule on the pending motion, and for Dr. Gray to have an opportunity to review and incorporate any documents the Court compels Defendant to produce, Plaintiff requests that Defendants agree to a one-month extension of the deadline to submit Dr. Gray's expert report.

This request does not affect the deadline for Dr. Burkman's and Stockdale's reports. If you are agreeable to the above, please indicate by your signature below. Please let me know by close of business Tuesday, April 25, 2006.

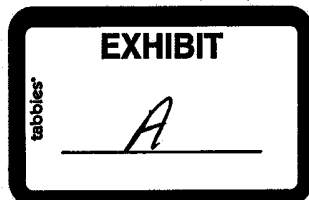
Thank you for your cooperation in this matter.

Very truly yours,

GILLESPIE, ROZEN, WATSKY, MOTLEY & JONES, P.C.

By: \_\_\_\_\_

Hal K. Gillespie



HKG/ps

Cynthia M. Benedict

April 24, 2006

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**AGREED TO:**

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Cynthia M. Benedict

cc: M. Jeanette Fedele

Steve Baughman Jensen (Via E-Mail)

Adele P. Kimmel (Via E-Mail)

Malinda A. Gaul (Via E-Mail)

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION

LAUREN BROWNING,

Plaintiff,

vs.

SOUTHWEST RESEARCH  
INSTITUTE,

Defendant.

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CIVIL ACTION NO. SA-05-CA-0245-XR

**AFFIDAVIT OF M. JEANETTE FEDELE**

STATE OF TEXAS

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§

COUNTY OF DALLAS

BEFORE ME, the undersigned authority, on this day personally appeared M. JEANETTE FEDELE, who, after being sworn upon her oath, states as follows:

"I make the following declaration subject to the penalties for perjury:

1. My name is M. Jeanette Fedele. I reside in Dallas, Dallas County, Texas. I am over twenty-one years of age. I am fully competent to make this affidavit. I have personal knowledge of the facts stated herein, and they are all true and correct.
2. On or about April 24, 2006, Plaintiff requested that Defendant agree to a one-month extension of the deadline to submit Plaintiff's expert Dr. Mary Gray's expert report.
3. On April 27, 2006, I traveled to Defendant's counsel's office in San Antonio to take the deposition of Dr. Wesley Patrick. During a break in the deposition proceedings, I asked Defendant's counsel Cynthia Benedict about Plaintiff's April 24, 2006 request for a one-month extension of the deadline to submit Dr. Gray's report.
4. Ms. Benedict and I discussed Plaintiff's request for extension and agreed that Dr. Gray's report submission deadline would be extended to May 26, 2006. In return, Ms. Benedict and I agreed that the reports of Defendant's statisticians and economists would be extended to June 26, 2006.
5. Some time later, Kathy Williams, Ms. Benedict's paralegal, presented Ms. Fedele with a proposed letter agreement providing that the deadline for Plaintiff's expert report of Dr. Mary

**AFFIDAVIT OF M. JEANETTE FEDELE**

EXHIBIT

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Gray would be extended from April 28, 2006 to May 26, 2006, and that the deadline for Defendant's expert's reports would be extended from May 29, 2006 to June 26, 2006. I rejected this letter agreement because it would allow Defendant's until June 26, 2006, to submit the reports of all of its experts, not just that of Defendant's statisticians and economists. At that time I was unaware of whether Defendant would designate a rebuttal expert in response to Browning's designation of Dr. Stockdale, a gender stereotype expert. However, I suspected that Defendant would want to rebut Dr. Stockdale's report.

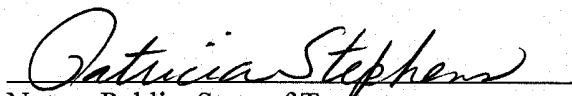
6. During a later break in the deposition proceedings, I told Ms. Benedict that I could not sign the letter agreement as written because I had agreed to extend Defendant's expert report deadlines only as to its statisticians and economists, and that the letter as written would allow Defendant's until June 26, 2006, to submit the reports of all of its experts, not just that of Defendant's statisticians and economists. Ms. Benedict then offered to change the letter agreement to specifically name the experts to whom the agreement applied. I replied that I could sign such a letter agreement.


7. Later that day, Ms. Benedict provided a letter specifically identifying the names of the experts to which the agreement applied. Because this letter accurately reflected the scope of the parties' agreement, I signed this second letter agreement provided by Defendant. A copy of this letter with Ms. Benedict's and my signature is attached as Exhibit A of Plaintiff's Motion to Exclude Defendant's Testifying Expert, Kathleen K. Lundquist, Ph.D. (court document # 52), and also as Exhibit C of Plaintiff's Reply to Defendant's Response to same.

Further, Affiant saith not."

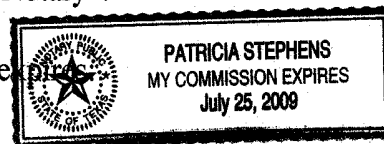
  
M. Jeanette Fedele

SWORN TO AND SUBSCRIBED BEFORE ME, the undersigned authority by the said M. Jeanette Fedele on this 21st day of July, 2006, to certify which witness my hand and seal of office.

  
Notary Public, State of Texas

  
Printed Name of Notary

My commission expires



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April 27, 2006

**VIA HAND DELIVERY**

Ms. M. Jeanette Fedele  
Gillespie, Rozen, Watsky, Motley & Jones, P.C.  
3402 Oak Grove Avenue, Suite 200  
Dallas, Texas 78504

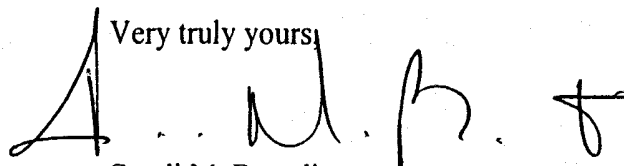
Re: Civil Action No. SA-05-CA-0245-FB; *Lauren Browning v. Southwest Research Institute*; In the United States District Court, Western District of Texas, San Antonio, Division

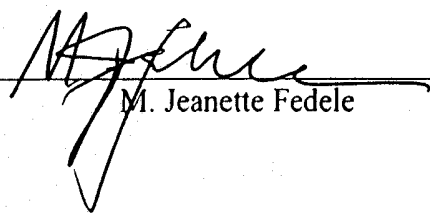
Dear Ms. Fedele:

As a follow up to your request for an extension regarding the report of your expert Dr. Mary Gray, please allow the following to memorialize the parties agreement as to same.

We have agreed to extend the deadline for Plaintiff's expert report of Dr. Mary Gray from April 28, 2006 until May 26, 2006. Accordingly, we have agreed to extend the deadline for Defendant's experts reports, to include, Joan G. Haworth, Ph.D., and Sharon Kelly, Ph.D., with the ERS Group and David W. Griffin, Ph.D., and Stephanie R. Thomas, Ph.D. with LECG, from May 29, 2006 until June 26, 2006. Further we have agreed to a post discovery deadline extension for taking expert depositions if this should be necessary.

This agreement does not affect the deadline for Dr. Burkman's or Stockdale's expert reports. Should this accurately reflect our agreement, please indicate by your signature below.

Very truly yours,  
  
Cyndi M. Benedict

  
M. Jeanette Fedele



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Ms. M. Jeanette Fedele

April 27, 2006

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cc: Malinda A. Gaul  
Law Offices of Gaul and Dumont  
111 Soledad, Suite 725  
San Antonio, Texas 78205